

REMARKS

This Request for Reconsideration is submitted in response to the Official Letter dated July 20, 2004. Favorable reconsideration of the application, is respectfully requested. Claim 11 has been withdrawn from consideration in view of the Examiner's requirement to restrict the Claims. Claims 1-10 and 12-17 are pending. The Examiner has indicated that Claims 9-10 and 12-17 are allowed. The Applicants requests reconsideration of the remaining pending claims in light of the amendments and the following remarks.

The Examiner rejected Claim 1 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,950,038 to Ocvirk et al. (hereinafter Ocvirk). Additionally, the Examiner rejected Claim 1 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,458,406 to Hall (hereinafter Hall). Ocvirk discloses an anti-lock and traction control brake system. The Ocvirk system uses a charging circuit to charge an accumulator by using valves to establish a pressure fluid connection between a master brake cylinder and regulator valves by way of a pump to the accumulator. The connection between the master cylinder and wheel brakes remains open when the accumulator is charged which allows a braking operation to be possible even during the charging operation.

The Applicants' invention is not disclosed or suggested by Ocvirk. The Applicants use **both** an apply valve and a release valve to limit the pressure of the source of fluid (such as an accumulator) by opening both the apply and release valves. Ocvirk states that for pressure reduction, "the pump 14 respectively feeds by way of the outlet valves 15, 16 pressure fluid out of the wheel brake cylinders 9 and 10 back onto the accumulator 20. Since the anti-lock control valve 23 is closed, no pressure fluid will reach the master brake cylinder 1." (See Column 4, Lines 20-25). Therefore, Ocvirk opens the apply and release valves to allow the pumping of fluid from the master cylinder reservoir to the accumulator to **increase** the accumulator pressure. Contrary to the Applicants' claimed invention, Ocvirk is not used to relieve the excess accumulator pressure. In addition, in Claim 5 of Ocvirk, the apply and release valves are opened to charge the accumulator even when the brakes are not activated. The intent of Applicants' invention is to provide pressure relief in the

hydraulic system while maintaining a hydraulic load. Thus, it is anticipated that the pressure relief operation would not be necessary when the brakes are not actuated. Therefore the disclosure of Claim 5 of Ocvirk is not relevant to that which is claimed by the Applicants.

With respect to Hall, an electronic pressure relief system for a traction slip control vehicle brake system is disclosed. The system maintains the pressure within the brake system by controlling an isolation valve that is coupled to the brake conduit. The primary distinction between Hall and the Applicants' claimed invention is that Hall does not teach the relief of excess pressure in the accumulator. Instead Hall discloses that the system controls the relief of excess pressure in the brake caliper. (See Column 4, Lines 1-6). As was stated above, that which is claimed in Claim 1 is the use of the valves of the system according to the invention to limit the pressure of the source of pressurized fluid by using the valves to allow fluid flow through the apply and release valve and to a fluid reservoir. Thus, Hall is using a valve to maintain the pressure within a brake system whereas the present invention is used to limit the fluid pressure in the source of pressurized fluid.

Since neither Ocvirk or Hall disclose a method of controlling the pressure in a fluid system that has a source of pressurized fluid to limit the pressure within the source of pressurized fluid, the Applicants respectfully request that the above-listed rejections in view of these references be withdrawn. As such, Claim 1 should be allowable for at least the reasons stated above.

Claims 2-6 were rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,318,817 to Martin et al. (hereinafter Martin). The Examiner rejected Claims 2-6 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,705,683 to Niepelt et al. (hereinafter Niepelt). Martin discloses an electro-hydraulic brake (EHB) system including a valve arrangement to apply hydraulic fluid under pressure to the braking device. A first device provides a level of fluid pressure wherein the value of the pressure is less than the maximum possible braking demand that may be required. A second device recognizes a braking demand level that exceeds the highest available pressure value and establishes a higher level of fluid pressure. However, Martin does not show that which is claimed. The system of Martin is used to control the pressure in the brake system, but not to control the pressure in the high pressure fluid accumulator. This is particularly evidenced at Column 10, Lines 26-44 wherein Martin states that when an excessive pressure is sensed in the system, the accumulator is cut off from the brake system until pressure in the brake system returns to the proper pressure levels. In addition, Martin discloses the use of a accumulator blow-off valve (unnumbered in Fig. 1) to control the accumulator pressure. The disclosure of Martin is therefore directly inconsistent with that which is described and claimed by the Applicants. Particularly, at Page 5, in the Summary of the Invention, the Applicants state, "This invention relates to a pressure relief control strategy for an electrohydraulic braking system that provides overpressure protection for the system without the use of a dedicated relief valve." Therefore, the Applicants request that Claims 2-6 be allowed over Martin.

Niepelt discloses an EHB system wherein brake pressure is generated by a pressure source including an accumulator, a pump and hydraulic valves during normal braking. During emergency braking, a switch-over to a hydraulic connection between a master cylinder and wheel brakes is executed. However, Niepelt does not disclose, describe or suggest a method or manner of controlling the accumulator pressure other than the use of a pressure relief valve (unnumbered in Fig. 1). As stated above, this contradicts what the Applicants intend to accomplish using their invention.

Based on the foregoing, Claim 1 has been shown to be patentable over Ocviak and Hall and therefore, the Applicants respectfully request the rejection of Claim 1 to be withdrawn. Claims 2-6 have been shown to be patentable over Martin and Niepelt. Therefore, it is requested that the rejection of Claims 2-6 also be withdrawn. Claims 7-8 were objected to as being dependent from a rejected claim. As illustrated above, Claim 2, from which Claims 7-8 ultimately depend, has been shown to be patentable over the cited references. Therefore, the objection to Claims 7-8 should also be withdrawn. The Examiner indicated that 9-10 and 12-17 are allowed. Therefore, the Applicants contend that Claims 1-10 and 12-17 are now in condition for allowance as being patentable over the Examiner's rejections, and request reconsideration of all the pending claims.

For all the above reasons, Applicants believe that the Application is now in condition for Allowance. However, if the Examiner feels that he is unable to issue a Notice of Allowance for any reason, Applicants request that the Examiner contact Applicants' attorney, Shital A. Shah, at 419.255.5900 to discuss this case.